

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE: :  
 : Case No. 12-35429  
 KELLY N. ROY : Chapter 7  
 Debtor. : Judge Lawrence S. Walter  
 :

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE  
PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

May 2, 2013

*/s/ John Paul Rieser*

\_\_\_\_\_  
Date of Issuance

\_\_\_\_\_  
John Paul Rieser, Esq.

**NOTICE OF PROPOSED SALE /DISPOSITION**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtor in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtor.

The property at issue is a 2008 Chrysler Sebring ("Vehicle") scheduled by the Debtor. The Debtor scheduled the value of the Vehicle as \$7,000.00. The Trustee determined the value slightly lower at \$6,935.50 based on the average of NADA average rough-in value (\$7,100.00) and Kelley Blue Book good trade-in value (\$6,771.00). From this value, the Trustee deducted Debtor's exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,122.46. The Trustee agreed to accept a payment of \$2,500.00 from the Debtor. This agreed-upon payment is slightly less than the vehicle's value by approximately \$313.04, based on market conditions and estimated costs of sale<sup>1</sup>.

**WHEREFORE**, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

Respectfully yours,  
**/s/ John Paul Rieser**  
John Paul Rieser, Trustee  
Rieser & Associates LLC  
7925 Graceland Street  
Dayton, OH 45459-3834  
Phone: (937) 224-4128, Fax: (937) 224-3090  
E-mail: tecfdesk@rieserlaw.com

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<sup>1</sup>This price adjustment is an estimate based on the Trustee's experience in selling vehicles at auctions in the current market environment. NADA and Kelley Blue Book values for any given vehicle can differ considerably, and the vehicle's condition is also a factor in its value. The price adjustment includes approximate administrative costs which the Trustee would incur if he sold the vehicle at auction, including without limitation the auction company's fees which can range from approximately \$100.00 to \$250.00.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT** was served this **2nd** day of **May, 2013**, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Erik Robert Blaine EBlaine@LegalDayton.com, eblaineecf@gmail.com

*/s/ John Paul Rieser*

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John Paul Rieser [lrs/719]

Label Matrix for local noticing  
0648-3  
Case 3:12-bk-35429  
Southern District of Ohio  
Dayton  
Thu Apr 25 17:06:04 EDT 2013

United States Bankruptcy Court  
120 West Third Street  
Dayton, OH 45402-1819

Asst US Trustee (Day)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

Bank Of America  
Attention: Recovery Department  
4161 Piedmont Pkwy.  
Greensboro, NC 27410-8110

Bank Of America  
Po Box 982235  
El Paso, TX 79998-2235

CBCS  
P.O. Box 69  
Columbus, OH 43216-0069

Childrens Anesthesia Group  
P O BOX 634692  
Cincinnati, OH 45263-4692

Discover Bank  
DB Servicing Corporation  
PO Box 3025  
New Albany OH 430543025

Discover Fin Svcs Llc  
Po Box 15316  
Wilmington, DE 19850-5316

ER Solutions  
Po Box 9004  
Renton, WA 98057-9004

Fifth Third Bank  
9441 LBJ Freeway Suite 350  
Dallas TX 75243-4652

Fifth Third Bank  
Fifth Third Bank Bankruptcy Department,  
1830 East Paris Ave. Se  
Grand Rapids, MI 49546-6253

Financial Recovery Services  
Box 385908  
Minneapolis, MN 55438-5908

(p) FOCUS RECEIVABLES MANAGEMENT LLC  
1130 NORTHCHASE PARKWAY STE 150  
MARIETTA GA 30067-6429

Hsbc Mortgage Corp Usa  
2929 Walden Avenue  
Depew, NY 14043-2690

Kettering Health Network  
P O BOX 182041  
Columbus, OH 43218-2041

Northwest Dayton Pediatrics, Inc  
120 W Wenger Rd  
Englewood, OH 45322-2736

Patrick T Hunter, D.D.S, LLC  
8324 N Main St  
Dayton, OH 45415-1601

Samaritan North Family Physicians  
9000 N Main St  
Suite G35  
Dayton, OH 45415-1169

Erik Robert Blaine  
Wright & Schulte L.L.C.  
812 E. National Rd.  
Vandalia, OH 45377-3016

John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

Kelly Nicole Roy  
801 Bonnycastle Ave.  
Englewood, OH 45322-1845

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Focus Receivables Management  
1130 Northchase Parkway  
Suite 150  
Marietta, GA 30067

End of Label Matrix  
Mailable recipients 21  
Bypassed recipients 0  
Total 21